

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

SPENCER GARDNER,

Plaintiff,

vs.

MISSOULA COUNTY, et al.,

Defendants.

Cause No. CV 19-150-M-KLD

ORDER

Plaintiff Gardner filed this action on August 29, 2019, alleging violation of his civil rights under 42 U.S.C. § 1983. Gardner is a state prisoner proceeding pro se. All defendants have filed answers. Disclosure statements were due on December 4, 2020. *See* Am. Scheduling Order (Doc. 35) at 2 ¶ 1.

On December 11, 2020, Gardner moved for summary judgment against Missoula County and the Missoula County Sheriff Department as well as Defendants McDermott, Maricelli, Richter, Evans, Muller, Moden, Lane, John Doe Officers 1–6, and Jane Doe (“County Defendants”). He explains that he is entitled to judgment because, as of December 11, he had not received these Defendants’ disclosure statement. *See* Pl. Mot. for Summary Judgment (Doc. 47) at 1.

In fact, these Defendants filed their disclosure statement on December 4, 2020 (Doc. 46), as did the other defendant, Amy Chesebro (Doc. 45).

Based on the foregoing, the Court enters the following:

ORDER

1. Gardner's motion for summary judgment (Doc. 47) is DENIED.
2. The clerk will include a one-time courtesy copy of the County Defendants' disclosure statement (Doc. 46) with Gardner's service copy of this Order.

Gardner must immediately notify the Court of any change in his mailing address by filing a "Notice of Change of Address." Failure to do so may result in dismissal of the case without notice to him.

DATED this 20th day of December, 2020.



Kathleen L. DeSoto
United States Magistrate Judge